



Governance Statement

December 2007

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COUNCIL'S PURPOSE, RESPONSIBILITIES AND ACTIVITIES

Purpose

Waipa District Council (WDC, Council) is a territorial local authority established in 1989 by way of the Local Government (Waikato Region) Reorganisation Order 1989.

The purpose of WDC is:

- To enable democratic local decision-making and action by, and on behalf of its communities; and
- To promote social, economic, environmental and cultural well-being of its communities, in the present and for the future.

In meeting its purpose Council's roles are to:

- Give effect, in relation to its district or region, to the purpose of local government; and
- Perform the duties, and exercise the rights, conferred on it by or under the Local Government act 2002 (LGA) or any other' (LGA 2002, Part 2, Section 11).

Council's Mission statement and goals are aligned to its purpose, and are as follows:

Mission Statement

"To promote the well-being of the people of Waipa District"

Goals

1. To recognise, and foster awareness and the enhancement of, the unique cultural, historic, environmental and recreational character and strengths of the District.
2. To ensure prudent stewardship of the natural and physical resources of the District.
3. To provide facilities and services to meet the expectations of residents and ratepayers.
4. To maximise the contribution of Council's assets in promoting the sustainable development of the District.
5. To form strong and productive partnerships with other authorities, community organisations and the private sector to provide the District with development opportunities.
6. To provide services and/or actively support Community Boards, community and welfare organisations in meeting the physical, recreational, employment, cultural and social needs of the residents of the District.
7. To act as an advocate to promote the social, economic, cultural and environmental well-being of residents and communities of the District.
8. To encourage the active and positive involvement of residents and ratepayers in Council's decision-making processes.
9. To implement the legal obligations of a territorial authority governing Waipa District.

Responsibilities

Waipa District Council is required to carry out responsibilities assigned to it under a number of pieces of legislation –

General Acts

There are many general Acts of Parliament that confer powers upon and control the functions and responsibilities of the Council.

The Acts that concern the Council most directly are:

Acts Interpretation Act 1908	Animal Welfare Act 1999
Auctioneers Act 1928	Biosecurity Act 1993
Building Act 2004	Burial and Cremation Act 1964
Bylaws Act 1910	Civil Defence Emergency Mgt Act 2002
Companies Act 1993	Conservation Act 1987
Crown Minerals Act 1991	Dog Control Act 1996
Employment Relations Act 2000	Environment Act 1986
Gambling Act 2003	Fencing Act 1978
Fees & Travelling Allowances Act 1951	Fencing of Swimming Pools Act 1987
Forest and Rural Fire Act 1977	Health & Safety In Employment Act 2002
Health Act 1956	
Hazardous Substances & New Organisms Act 1996	
Historic Places Act 1993	Impounding Act 1955
Litter Act 1979	Land Transport Act 1998
Land Transport Management Act 2003	
Local Authorities (Members' Interest) Act 1968	Local Electoral Act 2001
Local Government Act 1974	Local Government Act 2002
Local Government Official Information and Meetings Act 1987	
Local Government (Rating) Act 2002	Official Information Act 1982
Ombudsmen Act 1975	Privacy Act 1993
Property Law Act 1952	Public Bodies Contracts Act 1959
Public Bodies Leases Act 1969	Public Finance Act 1989
Public Works Act 1981	Racing Act 2003
Rates Rebate Act 1973	Rating Valuations Act 1998
Reserves Act 1977	Resource Management Act 1991
Sale of Liquor Act 1989	Transit New Zealand Act 1989
Transport Act 1962	

Specific Acts

There are two Local Acts: the Cambridge Borough Council (Sale of Land Validating) Act 1978 and the Waipa District Council [Kihikihi Endowment Land] Act 1989. The former Act retrospectively legitimised the actions of the Cambridge Borough Council in the sale of a single parcel of land. The latter Act freed approximately 40 endowment constrained titles in Kihikihi enabling the land to be managed as 'fee simple' or reserve.

Principles Relating to Local Authorities

The Local Government Act 2002 sets out principles guiding local authorities in the way that they perform their roles.

The Local Government Act 2002 states:

- 1) In performing its role, a local authority must act in accordance with the following principles:
 - a) A local authority should:
 - i. conduct its business in an open, transparent, and democratically accountable manner; and
 - ii. give effect to its identified priorities and desired outcomes in an efficient and effective manner.
 - b) A local authority should make itself aware of, and should have regard to, the views of all of its communities; and
 - c) When making a decision, a local authority should take account of:
 - i. the diversity of the community, and the community's interests, within its district or region; and
 - ii. the interests of future as well as current communities; and
 - iii. the likely impact of any decision on each of the social, economic, environmental and cultural aspects of well-being of the community.
 - d) A local authority should provide opportunities for Māori to contribute to its decision-making processes.
 - e) A local authority should collaborate and cooperate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources; and
 - f) A local authority should undertake any commercial transactions in accordance with sound business practices; and
 - g) A local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and
 - h) In taking a sustainable development approach, a local authority should take into account:
 - i. the social, economic and cultural well-being of people and communities; and
 - ii. the need to maintain and enhance the quality of the environment; and
 - iii. the reasonably foreseeable needs of future generations.

- 2) If any of these principles, or any aspects of well-being referred to in the purpose of Local Government above, are in conflict in any particular case, the local authority should resolve the conflict in accordance with the principle in subsection (1)(a)(i). This principle is to “conduct its business in an open, transparent, and democratically accountable manner”.
- It is also required to follow the detailed decision making processes outlined in the Local Government Act 2002 when carrying out its obligations.

Activities

The Council has defined the areas of activity it will be involved in and which significant activities will be undertaken.

Significant Activity

Sub Activity

Governance

Council/Support Services
Community Boards
Elections

Environmental Services

Resource Management – Consents and Policy
Enforcement of Statutes, Regulations and Bylaws
Land Information Memorandum (LIMs)
Building Control
Dangerous Goods
Fencing of swimming pools
Project Information Memorandum (PIMs)
Environmental Health
Noise Control
Animal Control
Liquor Licensing

Amenity Services

Parks and Reserves:

- Parks and Reserves
- Karapiro Domain

District Museums
District Libraries
District Pools:

- Cambridge Pool
- Te Awamutu Events Centre

Cemeteries
Public Toilets
Properties:

- Pensioner Housing
- Community Properties
- Commercial Properties
- District Halls

Forestry
Community Services Support (Grants)
Rural Fire Management
Civil Defence

Waste Management:

- Landfills
- Litterbins
- Recycling

Transport Management

Local roads and car parks:

- Safety improvements
- Road marking and signage
- Street lighting
- Kerb and channelling
- Footpaths
- Road sealing

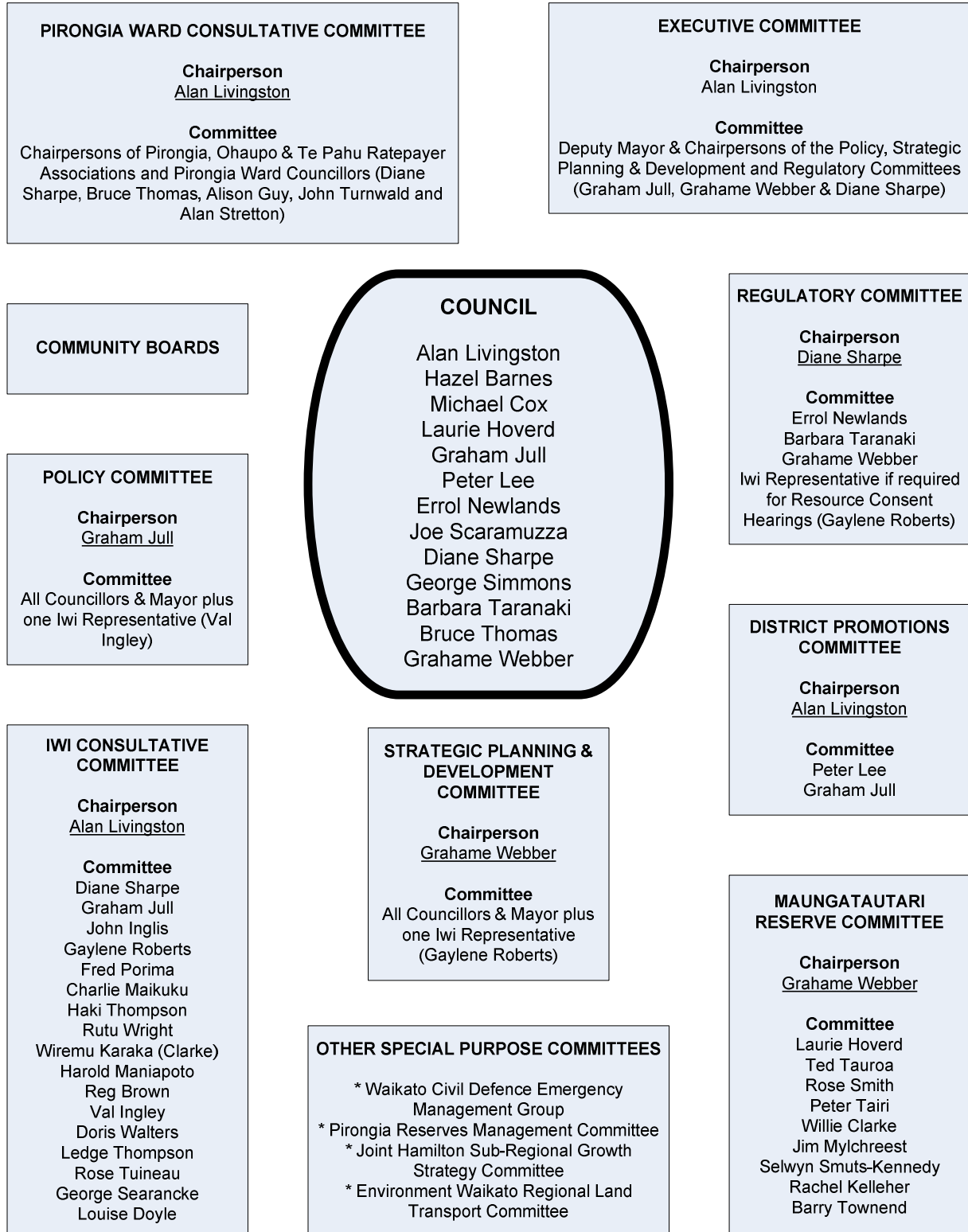
Stormwater

Water Treatment and Supply

Wastewater Treatment and Disposal

GOVERNANCE STRUCTURES AND PROCESSES

Waipa District - Political Structure



The Council has the following governance structure:

- The Full Council;
- The Policy Committee;
- The Strategic Planning and Development Committee;
- The Regulatory Committee;
- The Executive Committee;
- The Iwi Consultative Committee;
- The Pirongia Ward Consultative Committee;
- The Maungatautari Reserve Committee;
- The District Promotions Committee;
- The Pirongia Reserves Management Committee;
- The Waikato Civil Defence Emergency Management Group (Joint Committee);
- The Joint Hamilton Sub-Regional Growth Strategy Committee (Joint Committee);
- Project Watershed Liaison Groups;
- The Environment Waikato Regional Land Transport Committee;
- Environment Waikato Regional Passenger Transport Sub-Committee.

Note: The last three committee groups are part of Environment Waikato's governance structure, but Council makes Councillor appointments to those Committees.

Community Boards form part of governance structure of the District, but exist as separate entities through statute and operate, in part, independently of Council.

Council actively promotes and supports as many residents as possible being involved in the overview of its services and activities, as well as in the general exchange of information. To this end, Council has facilitated the establishment of several special interest groups – The Youth Council, the Senior Council, the Biodiversity Council and the Heritage Council. While these groups are not part of Council's formal governance structure, they are valued as contributors to Council's decision-making processes.

The Full Council

The Full Council's role is to carry out the responsibilities required under the Local Government Act 2002. It is the final decision-making authority and generally approves or adopts recommendations made by committees.

It is made up of all Councillors and the Mayor.

The Policy Committee

This Committee is made up of all Councillors, and an Iwi representative nominated by Nga Iwi Toopu o Waipa and appointed by Council. The Chairperson is appointed by the Full Council.

The role of this committee is to consider, review, refine and develop policy.

Policy issues are usually scoped by the Chief Executive and staff for consideration by the Policy Committee, who will discuss the policies and make recommendations for additions or amendments. Once the Policy Committee is satisfied with the policy is recommended to the Full Council for adoption.

The Strategic Planning & Development Committee

This Committee is made up of all Councillors, and an Iwi representative nominated by Nga Iwi Toopu o Waipa and appointed by Council. The Chairperson is appointed by the Full Council.

The role of this committee is to consider matters of a strategic planning nature relating to growth and development in the District, including the overseeing of the review of the District Plan and Council-promoted changes to the District Plan, prior to a recommendation to Council for approval or adoption.

The Regulatory Committee

The Committee comprises four councillors plus the Mayor and an Iwi representative, who attends when the Committee sits in its capacity as a Hearings Committee pursuant to the Resource Management Act 1991. Members of the Committee will receive training to be Resource Management Act commissioners. The Chairperson is appointed by the Full Council.

Its primary role is to oversee the Council's obligations under the Resource Management Act. It also oversees a number of the Council's regulatory activities.

The Committee is delegated the following decision making powers:

- To hear all resource consent applications with the power to make a final decision;
- To consider all matters of regulatory nature relating to the Resource Management Act, Building Act, Health Act, Fencing of Swimming Pools Act, Dog Control Act and to make recommendations to Council;
- To receive reports on all matters approved under delegated authority by the Environmental Services Managers and Officers;
- To consider and make recommendations to Council on environmental policy matters relating to the Resource Management Act and the District Plan;
- To hear all District Plan changes and make recommendations to Council;
- To consider all matters relating to the Sale of Liquor Act in the capacity as the Waipa District Liquor Licensing Agency with the power to make a final decision;

The Executive Committee

This Committee is made up of the Mayor, the Deputy Mayor and the Chairpersons of the Policy and Regulatory and Strategic Planning and Development Committees. The Mayor is the Chairperson.

The role of this committee is to make decisions on urgent matters arising between scheduled Council meetings or specific matters referred to it by Council.

The Iwi Consultative Committee

The purpose of this Committee is to facilitate communications between Council and Tangata Whenua. The Committee considers any matter impacting on the interests of Tangata Whenua including but not limited to historical, cultural, recreational, health, housing, environmental and resource management. The Committee advises Council and Iwi on Treaty of Waitangi implications for policies and activities of Council.

The Iwi Consultative Committee is made up of the following members:

The Mayor, the Deputy Mayor, the Chairpersons of the Policy and Regulatory Committees, the Chairperson of Nga Iwi Toopu O Waipa, three Kaumatua representatives and nine members recommended by Nga Iwi Toopu O Waipa and appointed by Council to represent the hapu of the Waipa District.

The Pirongia Ward Consultative Committee

The purpose of this Committee is to allocate funds from the Pirongia Ward minor community works budget; to consider and approve applications for community grant funding, allocate reserve development funds and to consider the draft Annual Plan.

Membership of the Pirongia Ward Consultative Committee includes the Mayor (as Chairperson), Pirongia Ward Councillors and the Chairpersons of the Residents and Ratepayers Associations operating in the Pirongia Ward.

Maungatautari Reserve Committee

The purpose of this Committee is to:

- Facilitate effective and meaningful communication between Council and stakeholders in relation to the development and management of the Maungatautari Scenic Reserve.
- Advise Council on all reserve management issues
- Oversee the activities of the Maungatautari Ecological Island Trust
- Oversee the preparation of an updated Reserve Management Plan

The membership of the Maungatautari Reserve Committee comprises the Maungatautari and Kakepuku Ward Councillors, four Tangata Whenua representatives, two landowner representatives, and one representative from each of the Maungatautari Ecological Island Trust, Department of Conservation and the scientific community.

Council appoints the Chairperson.

The District Promotions Committee

Membership of the District Promotions Committee includes the Mayor (as Chairperson), the Deputy Mayor and the Chairperson of the Policy Committee.

The purpose of the Committee is to consider and approve, in accordance with specified criteria, applications for financial assistance for the promotion and sponsorship of events within Waipa District.

Pirongia Reserves Management Committee

This is a joint Committee comprising the Waipa District Mayor, two Pirongia Ward Councillors, two persons nominated by the Pirongia Residents and Ratepayers Association, one person nominated by Parekireki Marae and one person nominated by Te Kauhanganui o Waikato.

The purpose of the Committee is to oversee the management and development of Sections 1, 167 and 550.

Waikato Civil Defence Emergency Management Group

This is joint Council Committee comprising representatives of each of the local authorities in the Waikato Region.

The purpose of the Committee is to act as the regional emergency management group in accordance with the provisions of the Civil Defence Emergency Management Act 2002.

Council's representative is the Waipa District Deputy Mayor.

Joint Hamilton Sub-Regional Growth Strategy Committee

This is a joint Committee comprising two elected members from each of Waipa District Council, Waikato District Council, Hamilton City Council and Environment Waikato (Waikato Regional Council).

The purpose of the Committee is to provide a collaborative governance role for the development of a sub-regional growth strategy that enables a shared understanding of the nature of future constraints on and opportunities for shaping growth in the greater Hamilton area and Waikato sub-region.

The Community Boards

The Community Boards are made up of five elected members (Ward based) and two appointed Councillor members. Boards elect their own Chairperson.

The role of Boards is to:

- represent, and act as an advocate for, the interests of its community; and
- consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and
- maintain an overview of services provided by the territorial authority within the community; and
- prepare an annual submission to the territorial authority for expenditure within the community; and
- communicate with community organisations and special interest groups within the community; and
- undertake any other responsibilities that are delegated to it by the territorial authority.

Council has delegated the following matters to Community Boards:

- administer community grants
- allocate Creative New Zealand grants
- determine annual priorities for minor community works
- authorise expenditure for minor works
- authorise expenditure for reserve development projects

Community Boards may make recommendations to Council on any matter of interest, and may seek approval for any initiative for which delegated authority has not already been given.

Membership of the Community Boards:

Cambridge

Rob Feisst (Chairperson)
Elwyn Andree-Wilsons
John Bishop
Brent Nielsen
Barbara Taranaki (Councillor)
Grahame Webber (Councillor)
Richard Wright

Te Awamutu

Dean Taylor (Chairperson)
Hazel Barnes (Councillor)
Marcus Gower
Norris Hall
Laurie Hoverd (Councillor)
Richard Hurrell
Colin Pinkerton

LEGAL REQUIREMENTS

Conduct of Meetings

The legal requirements for Council meetings are set out in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

The Council, its Committees and Community Boards currently run their meetings in line with NZS 9202:2003 (a set of procedures for conducting meetings) – Model Standing Orders for meetings of Local Authorities and Community Boards. During meetings the Mayor and Councillors must follow standing orders. Council may suspend standing orders by a vote of 75% of the members present.

Council is required to have a code of conduct and members are expected to follow the Code of Conduct.

All Council and committee meetings must be open to the public unless there is reason to consider some item with the public excluded. The LGOIMA contains a list of the circumstances where councils may consider items with the public excluded (these circumstances generally relate to protection of personal privacy, professionally privileged or commercially sensitive information, and the maintenance of public health, safety and order). The Council agenda is a public document, although parts may be withheld if the above circumstances apply.

Although meetings are open to the public, members of the public do not have speaking rights unless provision has been in accordance with Standing Orders.

The Mayor or Chairperson is responsible for maintaining order at meetings and may, at their discretion, order the removal of any member of the public for disorderly conduct, or remove any member who does not comply with Standing Orders.

Minutes of meetings must be kept as evidence of the proceedings of the meeting. These must be made publicly available, subject to the provisions of the LGOIMA.

For an ordinary meeting, at least 14 days notice of the time and place of the meeting must be given. Extraordinary or emergency meetings can generally be called on shorter notice.

THE ELECTORAL SYSTEM

Waipa District Council currently conducts its elections under the First-Past-the-Post (FPP) electoral system. Electors vote by indicating their preferred candidate(s), and the candidate(s) that receives the most votes is declared the winner regardless of the proportion of votes that candidate(s) obtained.

The other option permitted under the Local electoral Act 2001 is the Single Transferable Vote System. This system is used in district health board elections (from 2004). Electors rank as many candidates as they choose in order of preference. The number of votes required for a candidate to be elected (called the quota) depends on the number of positions to be filled and the number of valid votes cast. The necessary number of candidates to fill all vacancies is achieved first by the counting of first preferences then by a transfer of a proportion of votes received by any candidate where the number of votes for that candidate is in excess of the quota, and then by the exclusion of the lowest polling candidates and the transfer of these votes in accordance with voters' second preferences.

Under the Local Electoral Act 2001 Council can resolve to change the electoral system to be used at the next two elections or conduct a binding poll on the question, or electors can demand a binding poll. A poll can be initiated at any time by not less than 5% of electors signing a petition demanding that a poll be held. Once changed, an electoral system must be used for the next two triennial general elections.

Council's last review of its electoral system was in September 2002 when Council decided to continue use of the First Past the Post system. Following a demand for a Poll (December 2002) and the resultant referendum (April 2003), First Past the Post was confirmed. Council used this system for the 2007 elections. An opportunity to change the system is available in 2008 when Council could resolve to make a change for elections beyond 2010 or hold a poll, or electors who wished to see the system change, could demand a poll on the issue.

REPRESENTATION ARRANGEMENTS

Council completed a review of the District's representation arrangements in 2006, with the following applying for the 2007 Local Elections:

The Council Structure

- A Mayor is elected at large for the district.
- 12 Councillors are elected on a ward basis, as follows:

Cambridge	4
Maungatautari	1
Te Awamutu	4
Kakepuku	1
Pirongia	2

- Populations by ward are:

Cambridge	14950
Maungatautari	3780
Te Awamutu	12800
Kakepuku	3440
Pirongia	7170

Māori Wards and Constituencies

The Local Electoral Act 2001 gives Council the ability to establish separate wards for Māori electors. Given the current size of Council up to two Māori seats could be established within Waipa District.

In completing the representation review in 2006 Council resolved that Maori Wards not be established, and the final representation arrangements confirmed this position. The establishment of Maori Wards can be revisited at any time in accordance with the following process:

Council may resolve to create separate Māori wards or conduct a poll on the matter, or the community may demand a poll on the issue. The demand for a poll can be initiated by a petition signed by 5% of electors within the District.

Council will work towards aligning the timing of reviews of the electoral system and representation arrangements, with the first opportunity to do that falling in 2009.

The Community Board Structure

Two Community Boards are elected on ward basis, as follows:

Cambridge – comprising Cambridge and Maungatautari Wards
Te Awamutu – comprising Te Awamutu and Kakepuku Wards

The Community Boards are constituted under Section 49 of the Local Government Act 2002.

The role of a Community Board is to:

- Represent, and act as an advocate for, the interests of its community;
- Consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the Community Board;
- Maintain an overview of services provided by the territorial authority within the community;
- Prepare an annual submission to the territorial authority for expenditure within the community;
- Communicate with community organisations and special interest groups within the community; and
- Undertake any other responsibilities that are delegated to it by the territorial authority.

Candidates for the local government elections can only be elected to Council or a Community Board (not both).

The Chairperson is elected by the members of the Community Board.

The representation arrangements confirmed in 2006 (for the 2007 local elections) established that each Community Board has five elected members with a further two members appointed by Council (see below):

Cambridge Community Board

Cambridge Ward – 4 Members
Maungatautari Ward – 1 Member
Council Appointed – 2 Members

Te Awamutu Community Board

Te Awamutu Ward – 4 Members
Kakepuku Ward – 1 Member
Council Appointed – 2 Members

An existing Community Board can only be disestablished through a representation review process. Electors can seek the formation of a new Community Board. This is achieved by following the process outlined below:

Representation Arrangements

Council is required to review its representation arrangements at least once every six years. This review must include the following:

- A review of the number of elected members (within the legal requirement to have a minimum of six and a maximum of 30 members, including the Mayor);
- Whether the elected members (other than the Mayor) shall be elected by the entire district, or whether the district will be divided into wards for electoral purposes, or whether there will be a mix of 'at large' and 'ward' representation;

- The boundaries and names of those wards and the number of members that will represent each ward;
- Whether or not to have separate wards for electors on the Māori roll; and
- Whether to have Community Boards and if so how many, their boundaries and membership and whether to subdivide a community for electoral purposes.

Council must follow the procedure set out in the Local Electoral Act 2001 when conducting this review, and must also follow guidelines published by the Local Government Commission.

The Act gives the community the right to make written submissions to Council, and the right to be heard if they wish in relation to a representation review. There is also a right to appeal any decisions made by Council to the Local Government Commission that makes a binding decision on the appeal.

Further details on the matters that Council must consider in reviewing its membership and basis of election can be found in the Local Electoral Act 2001.

MEMBERS' ROLES AND CONDUCT

Roles

The Mayor and the Councillors of the Waipa District Council have the following roles:

- Ensuring Council fulfils its responsibilities and follows the principles of Local Government as set out in the Local Government Act 2002;
- Setting the policy direction of Council;
- Monitoring the performance of Council in terms of meeting its responsibilities and achieving its policies;
- Representing the interests of the district (on election all members must make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgement in the best interests of the District); and
- Employing the Chief Executive (under the Local Government Act the local authority employs the Chief Executive, who in turn employs all other staff on its behalf).

The Mayor is elected by the District as a whole and as one of the elected members shares the same responsibilities as other members of Council. In addition the Mayor has the following roles:

- Presiding member at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined in Standing Orders);
- Advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council;
- Ceremonial head of Council; and
- Providing leadership and feedback to other elected members on teamwork and chairing Committees.

It is a requirement that the members of Council, at the first meeting of the Council, elect the Deputy Mayor. The Deputy Mayor exercises the same roles as other elected members. In addition, if the Mayor is absent or incapacitated, or if the office of Mayor is vacant, then the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers of the Mayor (as summarised above).

The Deputy Mayor may only be removed from office by Council.

Council may create one or more committees of Council. A committee must have a chairperson, who is responsible for presiding over meetings of the committee, ensuring that the committee acts within the powers delegated by Council, and as set out in the Council's Delegations Manual. A committee chairperson can only be appointed by Council and may only be removed from office by resolution of Council.

The Chief Executive is appointed by Council in accordance with Section 42 and Clauses 33 and 34 of Schedule 7 of the Local Government Act 2002. The Chief Executive implements and manages the Council's policies and objectives within the budgetary constraints established by the Council. Under Section 42 of the Local Government Act 2002, the responsibilities of the Chief Executive are:

- Implementing the decisions of Council;
- Providing advice to the Council and Community Boards;
- Ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised;
- Managing the activities of the Council effectively and efficiently;
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of Council;
- Providing leadership for the staff of Council; and
- Employing staff (including negotiation of the terms of employment for the staff).

Elected members have specific obligations as to their conduct in the following legislation:

- Schedule 7 of the Local Government Act 2002, which includes obligations to act as a good employer in respect of the Chief Executive and to abide by the current Code of Conduct and standing orders;
- The Local Authorities (Members' Interests) Act 1968 which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect);
- The Secret Commissions Act 1910, which prohibits elected members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way; and
- The Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit;
- The Local Government Official Information and Meetings Act 1987, which sets out the requirements for making information available, including public admission to meetings and the protection of certain official information; and
- The Securities Act 1978.

All elected members are required to adhere to a Code of Conduct. Adopting such a code is a requirement of the Local Government Act 2002. Once adopted such a code may only be amended by a 75% majority vote of Council. The code sets out the Council's understanding and expectations of how the Mayor and Councillors will relate to one another, to staff, to the media and to the general public in the course of their duties.

It also covers disclosure of information that is received by or is in the possession of elected members, and contains details of the sanctions that the Council may impose if an individual breaches the code.

CONSULTATION POLICY

Purpose

To set out a consistent approach for Council consultation and ensure staff provide useful information for planning and implementing consultation processes.

Background

Our Commitment To Consultation

The Council is committed to:

- On-going and timely consultation with the people of the District and other stakeholders on matters that affect them before final decisions are made;
- Encouraging constructive community participation;
- Clearly identifying the issues and decisions that benefit from consultation; and
- Providing feedback on Council decisions.

Consultation Objectives

The Council's objectives in relation to consultation are:

- To maintain quality consultation processes;
- To develop and maintain consultation processes that support positive relationships between the Council and the wider community;
- To listen to what people say in a fair and objective way;
- To make it as easy as possible for local people and other stakeholders to participate in, and have a say in the development of the District;
- To provide sufficient time for interested members of the community to participate before final decisions are made;
- To gain and sustain the trust of our customers by consistently demonstrating Council's desire to meet their needs and understand their perspectives;
- To ensure that the Council's statutory obligations surrounding consultation are met; and
- To consult effectively - balancing consultation processes with available resources and the need to make decisions on behalf of the community.

What Is Consultation?

Consultation in its widest sense is a genuine two-way communication between the Council, local people, the community and other stakeholders. Consultation can be either formal or informal, ranging from a telephone enquiry to adopting a formal consultative process. Both may be legitimate and both are valuable.

Consultation may take a number of forms. Consultation may embrace a wide range of activities and can be defined in terms of:

- Asking local people and other stakeholders for input, feedback and information about Council initiatives, projects, services and operations and responding appropriately;
- Researching needs, priorities and attitudes;
- Seeking views on specific issues or proposals;
- Involving people in decisions that affect them; and
- Consultation can take many forms ranging from focus groups, meetings, surveys, public submissions and advisory committees.

Consultation is Not:

- Simply providing information (for instance, distributing a statement that a decision has been made);
- Always about reaching agreement or consensus;
- Always about negotiation; and
- Designed to replace the decision-making responsibilities of the elected members of Council.

Who We Consult With¹

The Local Government Act 2002 makes it clear that the Council has a very broad responsibility to consult with all stakeholders in its area. This includes:

- People living in the District;
- People working in the District;
- Users of Council services – customers;
- People who do not currently use Council services;
- Distinct communities (i.e. youth groups, ethnic minorities);
- Ratepayers;
- Maori;
- Business community;
- Voluntary sector;
- Specialist interest groups (i.e. environment, arts, etc);
- Other central, regional and local government agencies; and
- Other groups not identified who may need to be consulted with from time to time depending on the nature and scope of a particular project/s or proposal/s.

In cases where another piece of legislation (e.g. the Resource Management Act 1991) specifies a consultation process, Council should still consider the consultation principles that are set out in the Local Government Act 2002 and are referred to in this policy.

Why We Consult:

The Council consults:

- **To Gain Better Decisions and Outcomes for the District**

¹There is a diverse range of people who make up the population of Waipa District. 25 percent of the District's population is under 15 years of age, with 13 percent aged 65 years and above. The ethnic breakdown of the District shows that 80 percent of the population is European, 15 percent New Zealand Maori, 2 percent Pacific Peoples, 2 percent Asian. Source: NZ Census 2001.

Improved decision making and better outcomes or results are two of the main reasons that the Council consults. Public consultation strengthens democratic participation² and accountability. It is an important means of enhancing the capacity of the Council to better meet the expectations of the people of the District when decisions are being made.

- **To Enhance Council's Relationship with Maori**

The Council has a policy obligation to have regard to the principles of the Treaty of Waitangi and to recognise and provide for the special relationship between Maori, their culture, traditions, land and taonga. The obligation to consult includes recognising those who have mana whenua, or inherited rights of land ownership.

- **To Meet Legal Requirements**

A wide range of legislative requirements, including the Local Government Act 2002 and Resource Management Act 1991, governs public consultation.

² Participation being the democratic process in which citizens elect representatives from their community to represent them on the Council and make decisions on their behalf.

CONSULTATION PRINCIPLES

The principles that direct Council's approach to consultation (these draw on those in the Local Government Act 2002) are:

Being Inclusive

Section 82(1)(b) of the LGA further requires that:

"Persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority".

This means that:

- Consultation processes set up by the Council will continue to be run in a way that encourages participation by, or provides information to, those who have an interest or are affected by a particular activity or project.
- Efforts will be made to identify all those who may have an interest and devise the most appropriate consultation methods to reach them.
- Methods and places for consultation most suitable for those people or groups who have not traditionally had contact with the Council will be considered.

Being Open and Responsive

Section 82(1)(d) of the LGA states that:

"Persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons".

Section 82(1)(e) requires the local authority to receive views presented to it with an open mind and to give due consideration to those views.

This means that:

- There will be opportunities for input;
- Decision-making processes will be transparent, flexible and responsive; and
- Decisions will have regard to diverse points of view.

Timely Processes

Council will provide a timetable that enables full participation in the consultation process for people to receive and absorb information. It will also allow reasonable time for people to become involved in the process and respond or participate.

Where this timetable is dictated by the Council's decision-making process, this will be clearly indicated.

Taking a Prudent Approach

The Council must balance its desire to include the community in its decision-making process with appropriate and relevant use of resources. Section 82(4) of the LGA requires the Council, when making a decision about the extent to which it observes the consultation principles laid out in the Act, to have regard to (among other things) the costs and benefits of any consultation procedure.

- The District and Council are bound by resource constraints. Council will provide resources for consultation in the most effective and efficient manner. In approving consultation processes, Council will have regard to the costs and benefits of the consultation.

Consulting with a Clear Purpose

Section 82(1)(c) of the LGA states that:

“Persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of consultation and the scope of the decision to be taken following the consideration of views presented.”

This means that:

- Council will continue to clearly state in relation to each consultation process, the subject matter, what the aim of the exercise is, what outcomes are being sought and the role of both the Council and the participant's in the project.

Access to Information

Section 82(1)(a) of the LGA states:

“That persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons”.

This means that:

- Sufficient information will continue to be made available to allow people to participate to the level they desire.
- Information for consultation processes will be accurate, user friendly and accessible.
- As much information as possible will be made available in various forms and levels of complexity to suit participant's level of interest, prior knowledge and understanding.
- Information will be made available before opinions are sought and decisions made.

Meeting Obligations Under the Treaty of Waitangi

The Council recognises its obligations under the Treaty of Waitangi (section 82 (2)). In meeting these obligations, the Council has a governance structure that includes an Iwi Consultative Committee. In addition, Council recognises, supports and works with Nga Iwi Toopu o Waipa – a group that represents the hapu of the Waipa District.

Consultation processes with Tangata Whenua will be initially through the Iwi Consultative Committee and Nga Iwi Toopu o Waipa.

Being Innovative in Approach to Consultation

The Council will look to use new ways of consulting with its local people and other stakeholders as appropriate, to complement traditional methods and try to involve people not usually reached by current methods.

Council will be flexible in accepting feedback from people in forms that suit them, for example; email, fax, telephone, one-on-one contact, survey's, submissions, hearings, focus groups, public meetings and so on, except where it is limited by legislation.

Learning and Improving Processes Through Experience

The Council will endeavour to continually improve its consultation processes.

Providing Feedback

Section 82(1)(f) of the LGA requires that:

“Persons who present their views to the local authority should be provided by the local authority with information concerning both the relevant decisions and reasons for those decisions”

This means that:

- Council will provide appropriate feedback on its decisions and the reasons for those decisions.

THE SPECIAL CONSULTATIVE PROCEDURE

This procedure is set out in the Local Government Act 2002 and will be used where:

- Legislation specifies that it should be used;
- The Council proposes to adopt or amend the Long-Term Council Community Plan;
- The Council proposes to adopt or amend the Annual Plan;
- The Council proposes to adopt, review or amend any Bylaws;
- The Council proposes to alter the mode of delivery of a significant activity (“significance” is defined in the Council’s Significance Policy).
- The Council decides it is appropriate to use a consultative procedure (e.g. the issue may be particularly topical so that the Council wishes to add a degree of formality to the process).

What is the Special Consultative Procedure?

1. The Council must prepare a Statement of Proposal and a Summary of Information contained in the statement. The summary must be:
 - (a) A fair representation of the major matters in the statement must be in a form determined by the Council;
 - (b) Distributed as widely as reasonably practicable as a basis for general consultation;
 - (c) Indicate where the Statement of Proposal may be inspected and how to get a copy;
 - (d) State the period for submissions on the proposal.
2. The Council must include the Statement of Proposal on the agenda for a Council meeting.
3. The Council must make the statement available for inspection and its principal office and in all other places considered necessary to provide all ratepayers and residents with reasonable access to it.
4. The Council must distribute the summary of information and give public notice of the proposal and the consultation being undertaken. The public notice must include information about how interested persons may obtain the summary or view the statement. The public notice must also specify the timeframe for submissions. The timeframe must be at least one month from the date of the public notice.
5. Anyone who makes a submission must be given written notice that his or her submission has been received and must also be given a reasonable opportunity to be heard (if that person requests). The written notice to the interested person has to advise the person of the opportunity to be heard and explain how the person can take advantage of the opportunity.
6. Subject to the Local Government Official Information and Meetings Act 1987, every meeting at which submissions are heard must be open to the public and all written proposals will be available to the public.

If the Council is intending to adopt or amend the Long-Term Council Community Plan, or the Annual Plan or By-Laws or the mode of delivery of a significant activity, the LGA specifies some additional requirements that are part of the process. These are found in sections 84-86 and section 88(4) of the Act.

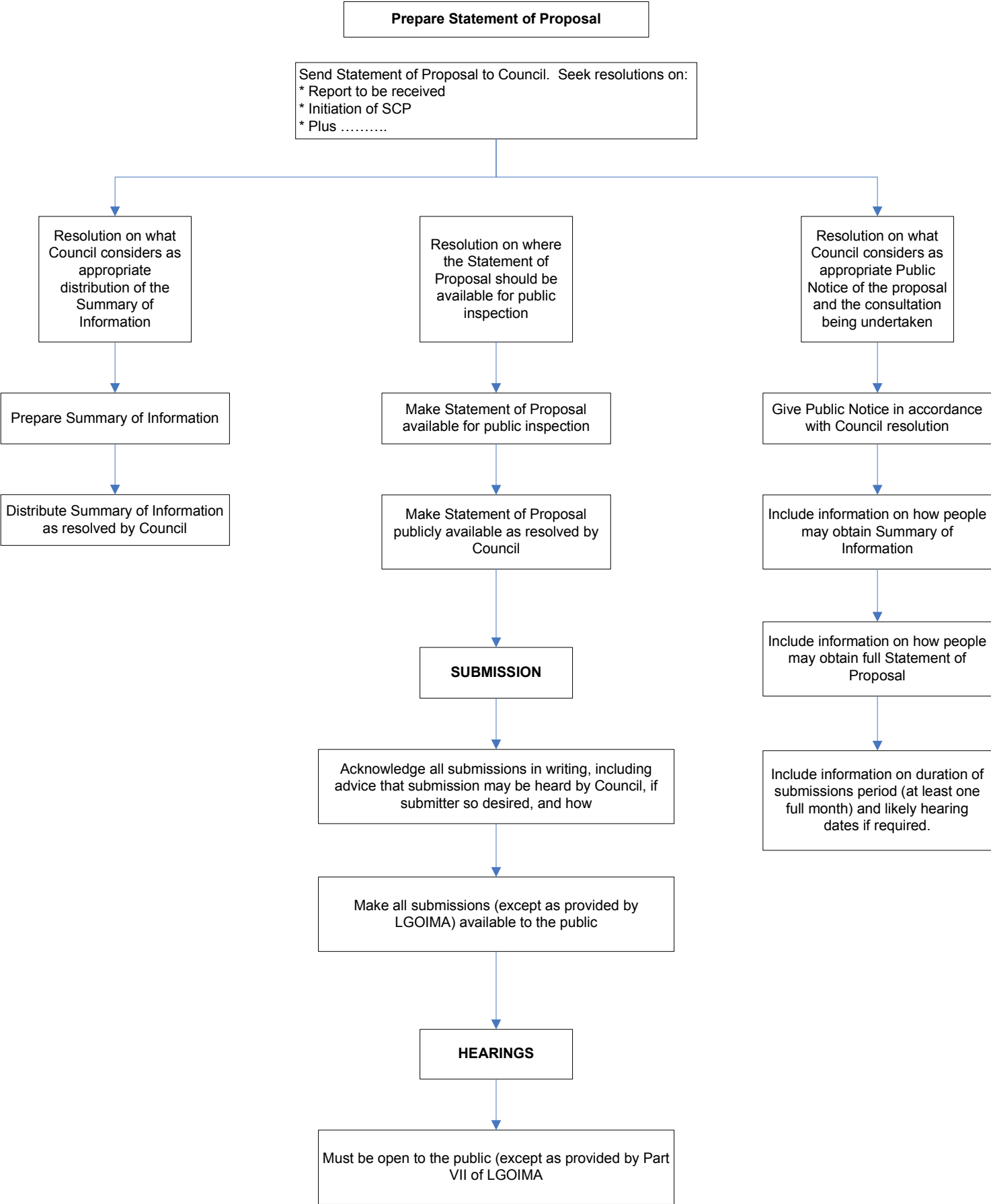
Guide to Special Consultative Procedure Under Local Government Act 2002

NOTE: (subject to Council's adoption of Significance policy in late June 2003) ALL issues that are required, or elected to be, subject to a Special Consultative Procedure are by definition significant.

Step	Check	Special consultative procedure	Leg. Ref.
1		<p>Prepare a statement of proposal (see also steps 5, 6 and 7)</p> <p>This basically consists of preparing a formal report that addresses all of the following points:</p> <ul style="list-style-type: none"> • What is being proposed? • Why? • What options are practicable? • What options is Council considering, and which does it/is it likely to favour? • What are the likely impacts/consequences of each option? (esp address quadruple bottom line) • What are the benefits and costs of the proposal's option(s)? • How will the option(s) further Council's strategic objectives? • Do any of the options involve land or a body of water, and thus warrant special consultation with Māori? 	83(1)(a)(i)
		<ul style="list-style-type: none"> • How will each option impact on Council's capacity to meet present and future needs? • What persons are most likely to be affected by, or have an interest in, the proposal or decisions arising from the proposal? • What/How should Council distribute information about the proposal? (see Steps 5, 6 & 7) 	
2		<p>Prepare a summary of the information contained in the statement of proposal (must comply with section 89)</p> <ul style="list-style-type: none"> • Summarise info in Step 1 	83(1)(a)(ii)
3		<p>Include the Statement of Proposal on a formal Council agenda</p> <ul style="list-style-type: none"> • Report from Step 1 	83(1)(b)
4		<p>Make the Statement of Proposal available for public inspection at Waipa District Council Offices and Libraries</p>	83(1)(c)(i)
5		<p>Make the statement of proposal available at any other place Council considers necessary.</p>	83(1)(c)(ii)
6		<p>Distribute summary of information (step 2) as widely as reasonably</p>	83(1)(d)

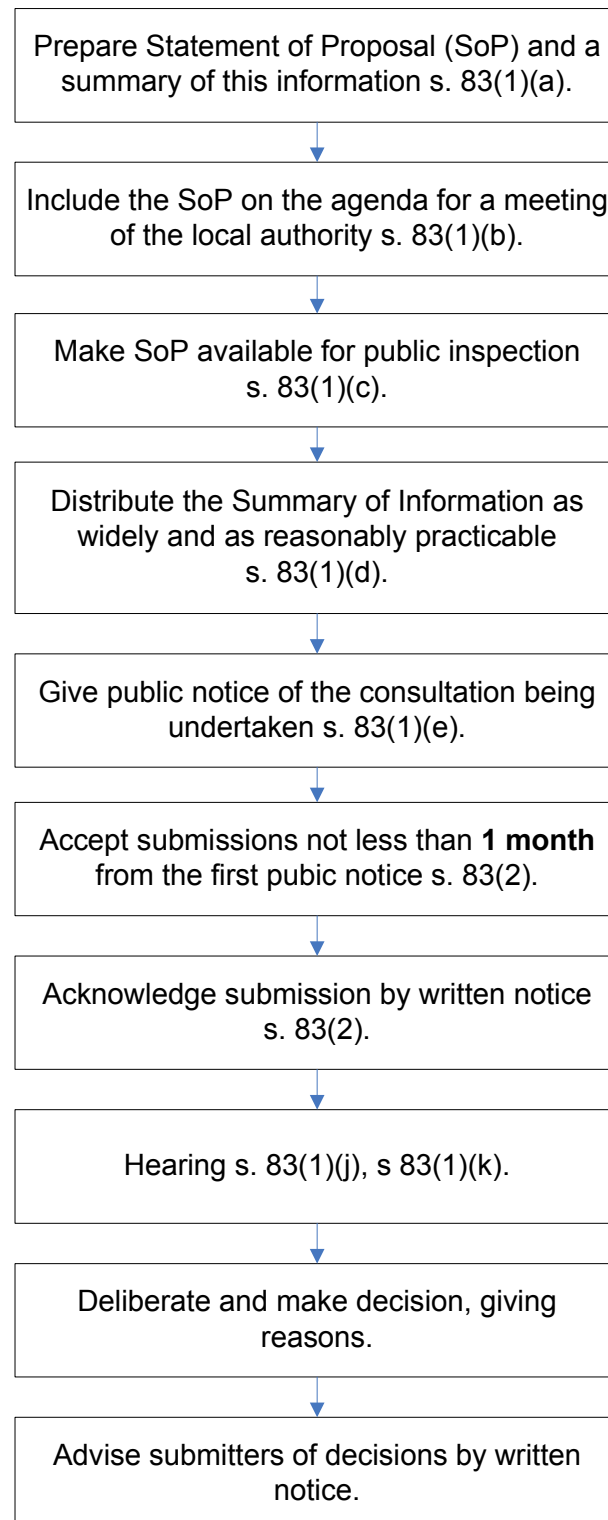
		practicable as Council considers necessary.	
7		Give public notice, and such other notice as Council considers appropriate, of the proposal and the consultation being undertaken (see also Step 8, 9 & 10).	83(1)(e)
8		Include in the public notice a statement about how persons interested in the proposal may obtain the summary of information about the proposal.	83(1)(f) (i)
9		Include in the public notice a statement about how persons interested in the proposal may inspect the full proposal.	83(1)(f) (ii)
10		Include in the public notice a statement of the period within which submissions on the proposal may be made to the local authority (must be at least one full month, beginning from the date of the first public notice).	83(1)(g)
11		Ensure that any person who makes a submission on the proposal within that period is sent a written notice acknowledging receipt of that person's submission; (see also Step 13 & 14).	83(1)(h)(i)
12		Ensure that any person who makes a submission on the proposal within that period is given a reasonable opportunity to be heard by Council (if that person so requests).	83(1)(h)(ii)
13		Ensure that the notice given to a person in Step 11 contains information advising that person of that person's opportunity to be heard.	83(1)(i)(i)
14		Ensure that the notice given to a person in Step 11 contains information explaining how that person may exercise that person's opportunity to be heard.	83(1)(i)(ii)
15		Ensure that, except as otherwise provided by Part VII of the Local Government Official Information and Meetings Act 1987, every meeting at which submissions are heard or at which the local authority, Community Board, or committee deliberates on the proposal is open to the public.	83(1)(j)
16		Subject to the Local Government Official Information and Meetings Act 1987, make all written submissions on the proposal available to the public.	83(1)(k)
17		Advise Submitters of outcome of Council decision as per Section 82.	82

STATEMENT OF PROPOSAL FLOWCHART



CONSULTATIVE PROCEDURE

SPECIAL CONSULTATIVE PROCEDURE



POLICY FOR LIAISON WITH MAORI AND EXISTING AGREEMENTS

The Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi has been reflected in the Local Government Act 2002 (LGA 2002), which provides principles and requirements for local authorities to facilitate participation, by Māori, in local authority decision-making.

The principles are outlined as follows:

- Part 2 (14) (1) (d) requires a local authority to provide opportunities for Māori to contribute to its decision-making processes.
- Part 6 (77) (1) (c) requires that any significant decisions in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wahi tapu, valued flora and fauna, and other taonga.
- Part 6 (81) (1) refers to specific requirements to facilitate Māori contributions to the decision-making process. This includes a process to provide opportunities for contribution, to consider ways to foster Māori capacity to contribute to the decision-making processes, and to provide relevant information to Māori to allow for decision-making contributions.

The LGA 2002 consolidates the principles for Māori contribution to the decision-making processes by requiring a policy to be developed. Schedule 10 (5) (1) states as follows:

“A Long-Term Council Community Plan must set out any steps that the local authority intends to take, having considered ways in which it might foster the development of Māori capacity to contribute to the decision-making processes of the local authority, over the period covered by the plan”.

Objectives

- The Council is committed to on-going development of the capacity of Māori to contribute to the Council's decision-making processes.
- The Council is committed to decision-making processes that are robust, effective and transparent.

Māori Contribution to the Decision-Making Process

The Council has a governance structure, which includes the Iwi Consultative Committee. The Committee consists of the Mayor and Chairpersons of the Regulatory and Policy Committees, and representatives of the hapu (family groups) within the District, the Chairperson of Nga Iwi Toopu o Waipa and one Kaumatua representative.

The Consultative Committee considers all significant matters, particularly in relation to the development of policy. The Committee makes appropriate recommendations for Council's consideration.

Council has a formal agreement with Nga Iwi Toopu o Waipa for the purpose of reviewing all resource consent applications and considering other matters of significance. These recognise the mandate Nga Iwi Toopu o Waipa has in acting on behalf of Iwi within the District.

Council further promotes the decision-making capacity of Maori through the appointment of Iwi representatives to the Policy and Regulatory Committees of Council.

THE MANAGEMENT STRUCTURE

Councillors are primarily responsible for the adoption of policies and making decisions. Both the Council and the Chief Executive will protect and enhance the reputation of Waipa District Council and will carry out the Council's purpose in a business- like, professional and ethical manner. The Council will ensure that the authority of the Chief Executive is preserved at all times.

The Council is required to employ a Chief Executive and the responsibilities of this role are outlined in the Local Government Act 2002 as follows:

The Chief Executive is Responsible for:

- Implementing the decisions of the Local Authority;
- Providing advice to members of the Local Authority and to its Community Boards;
- Ensuring that all responsibilities, duties, and powers delegated to the Chief Executive or to any person employed by the Local Authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised;
- Ensuring the effective and efficient management of the activities of the Local Authority;
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Local Authority;
- Providing leadership for the staff of the Local Authority;
- Employing, on behalf of the local authority, the staff of the Local Authority; and
- Negotiating the terms of employment of the staff of the Local Authority.

The Chief Executive is responsible for ensuring, so far as is practicable, that the management structure of the local authority:

- Reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes; and
- Is capable of delivering adequate advice to the Local Authority to facilitate the explicit resolution of conflicting objectives.

Organisation Structure

The Council has five groups – Finance; Assets and Community Services; Environmental Services; Policy & Strategy and Engineering Services.

Finance

The Finance Group is responsible for the following functions:

- Financial Management;
- Financial Planning and Policy; and
- Rates Management.

Engineering Services

The Engineering Services group is responsible for the following functions:

- Water Supply;
- Wastewater Treatment and Disposal;
- Transport Management; and
- Stormwater.

Assets and Community Services

The Assets and Community Services Group is responsible for the following functions:

- Cemeteries;
- Customer Support;
- Information Management;
- Property;
- Iwi Liaison;
- Community Grants;
- Parks and Reserves;
- Swimming Pools;
- Public Toilets; and
- Emergency Management.

Environmental Services

The Environmental Services Group is responsible for the following functions:

- Animal Control;
- Building Control;
- Libraries
- Resource Management;
- Food Safety;
- Environmental Health; and
- Liquor Licensing.

Policy and Strategy

The Policy and Strategy Group is responsible for the following functions:

- Forward/Strategic Planning
- Community Liaison;
- Corporate and Management Policy Development;
- Reserve Management Planning;
- District Promotion / Economic Development;
- Heritage; and
- Museums.

Note: Communications and Human Resources functions report directly to the Chief Executive.

EQUAL OPPORTUNITIES POLICY

Council has a principle of equal employment opportunity for all workers and regards the elimination of any discrimination and the provision of equal opportunities as essential principles in the management of all staff. The Council affirms this commitment through a policy of positive action by adopting constructive policies and practices for equal opportunities in all aspects of employment, including recruitment, selection and appointment, education, training and development, career planning and promotion.

Outcome Sought

A safe, effective and efficient work environment that meets the needs of all employees, and is free from sexual harassment and policies or procedures that may result in inequality in employment opportunities.

Objectives

Maintain and implement a Health and Safety Management Programme and continually monitor its effectiveness and appropriateness.

Maintain and implement a workplace code of conduct that sets minimum acceptable standards of behaviour, and continually monitor its effectiveness and appropriateness.

KEY PLANNING AND POLICY DOCUMENTS

Council has the following key planning and policy documents:

- Long Term Council Community Plan (LTCCP) – Reviewed three yearly
- Statement of Services/Levels of Service – Incorporated in the LTCCP
- Annual Plan – Reviewed annually using the Special Consultative Procedure
- District Plan – Reviewed in accordance with the Resource Management Act 1991. Full review to be initiated in 2007/08
- Community Leisure Plan – Actions incorporated into the Long Term Council Community Plan
- Waste Management Plan – Subject to five yearly review
- Financial Management Policies – Included in the LTCCP and reviewed three yearly, or as required. Subject to the Special Consultative Procedure
- Procedural Policy Manual – Subject to periodic review
- Delegations Manual – Subject to periodic review
- District Promotion Strategy
- Heritage Policy and Implementation Strategy
- Asset Management Plans
- Waipa Urban Growth Strategy

Council's Management, through regular monitoring and review of progress on the Annual Plan, ensures that Council's Objectives, Policies, and Performance targets are achieved. Reports are presented to Council on a quarterly basis.

SYSTEMS FOR PUBLIC ACCESS TO THE WAIPA DISTRICT COUNCIL AND ITS ELECTED MEMBERS

Any Department of the Council, the Mayor, or any Library facility can be contacted by phoning 0800 924 723 or emailing info@waipadc.govt.nz.

The contact details for offices and Library facilities are as follows:

Office Locations

Te Awamutu Office

101 Bank Street
Te Awamutu 3800
Telephone: (07) 872 0030 / 0800 924 723
Fax: (07) 872 0033

Postal Address

Waipa District Council
Private Bag 2402
Te Awamutu 3840

Cambridge Service Centre

23 Wilson Street
Cambridge 3434
Telephone: (07) 823 3800 / 0800 924 723
Fax: (07) 823 3820

Postal Address

Waipa District Council
Private Bag 2402
Te Awamutu 3840

Te Awamutu Library

157 Roche Street
Te Awamutu 3800
Telephone: 0800 924 723
Fax: (07) 872 0033 Attn: Library

Cambridge Library

23 Wilson Street
Cambridge 3434
Telephone: 0800 924 723
Fax: (07) 823 3810

CUSTOMER SERVICE REQUESTS (CRS)

Council provides customers with a responsive service by disseminating accurate information, providing appropriate advice and ensuring the delivery of a high standard of service in a timely manner.

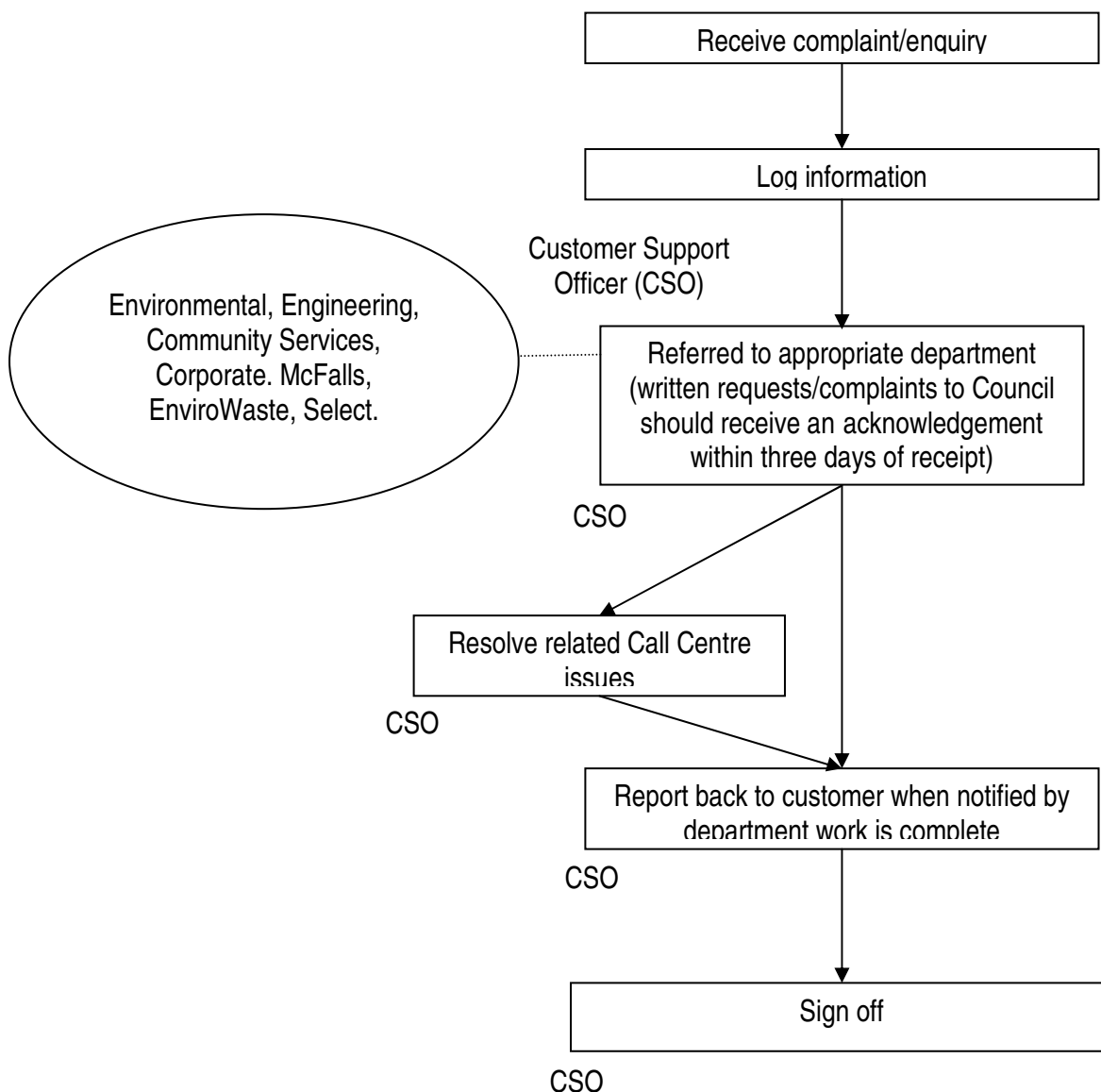
All customer enquiries and complaints are promptly attended to. Provision is made for follow up action to be carried out and feedback to the customer. This is done through liaison with all other departments within Council and external contractors.

All requests and complaints are recorded, allowing follow up on subsequent actions and direct feedback to customers.

COUNCIL WIDE PROCESS - CUSTOMER COMPLAINTS / ENQUIRY

PURPOSE:

To deal with customer requests for service (complaints and/or enquiries).



PROCESSES FOR REQUESTS OF OFFICIAL INFORMATION

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA), any person may request information from the Council. Any request for information is a request made under LGOIMA. You do not need to say you are making a request under LGOIMA.

Once a request is made, the Council must initially advise within 20 working days whether it will provide the information, and then it must supply the information unless reason exists for withholding it. The LGOIMA states that information may be withheld if release of the information would:

- Endanger the safety of any person;
- Prejudice maintenance of the law;
- Compromise the privacy of any person;
- Reveal confidential or commercially sensitive information;
- Cause offence to tikanga Māori or would disclose the location of wāhi tapu;
- Prejudice public health or safety;
- Compromise legal professional privilege;
- Disadvantage the local authority while carrying out negotiations or commercial activities; and
- Allow information to be used for improper gain or advantage.

The Council may charge for official information requests. In the first instance requests for official information should be in writing and to:

The Business Services Manager.